

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.A.R.B., H.A.B. and C.M.B.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LESLIE IRENE BERNARD,

Respondent-Appellant,

and

LEONARD ROBERTSON, JIM BANKS and
GLENN VANN,

Respondents.

UNPUBLISHED

April 26, 2002

No. 234873

Wayne Circuit Court

Family Division

LC No. 97-359447

Before: Gage, P.J., and Griffin and G. S. Buth*, JJ.

PER CURIAM.

By leave to appeal granted, respondent-appellant appeals the circuit court order terminating her parental rights to the minor children under MCL 712.19b(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The circuit court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent's parental rights were terminated under MCL 712A.19b (3)(c)(i), (g), and (j) which provide:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial

* Circuit judge, sitting on the Court of Appeals by assignment.

dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

The conditions that led to adjudication included respondent mother's inability to properly care for her children, and her refusal to cooperate with services. Although respondent mother completed the required parenting classes, her mental health problems prevented her from demonstrating that she would be able to properly care for her three children within a reasonable amount of time. During the two years the children were in care, respondent was admitted to Aurora Hospital for paranoid schizophrenia, and it was unknown whether she was taking her prescribed medication upon release. In fact, respondent mother required a guardian ad litem at the termination trial. There was no evidence that respondent mother had a legal source of income to provide for her family, or that she had adequate housing. Accordingly, the record does not suggest that the trial court clearly erred in finding that this statutory basis had been established by clear and convincing evidence.

Respondent mother's parental rights were also terminated because she failed to provide proper care or custody for the children and would be unable to do so within a reasonable time considering the ages of the children. Again, although respondent mother completed her parenting classes, she was unable to demonstrate that she had fully internalized the materials such that she would have been able to properly care and provide for the children. She failed to comply with a majority of her parent/agency agreement, despite her participation in parenting classes and visitation. Similarly, there was no evidence that respondent mother would be able to provide a proper home, sufficient food, clothing or other physical and emotional necessities within a reasonable time considering the ages of the children. The trial court did not err, therefore, in finding that this statutory basis had been established by clear and convincing evidence.

As previously discussed, during the two years her children had been in care, respondent mother failed to demonstrate the ability to properly care and provide for them. Her mental health problems suggest that she is unable to understand the needs of these young children. Respondent mother contended that she used good judgment in dealing with the problem surrounding feeding

H.A.B. While her decisions may indicate her ability to appropriately judge a situation, such circumstances could also be indicators of the onset of another episode of thought disorder. In light of her hospitalizations during the two years and the uncertainty whether she continued to use her prescribed medication, it was not unreasonable for the court to conclude that the children would likely suffer harm if returned to her care. Reviewing the record as a whole, the trial court did not clearly err in finding that this statutory basis had also been established by clear and convincing evidence.

Further, the evidence did not show that termination of respondent mother's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Therefore, the circuit court did not err in terminating respondent-appellant's parental rights to the minor children.

Affirmed.

/s/ Hilda R. Gage
/s/ Richard Allen Griffin
/s/ George S. Buth